



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
Region 1
5 Post Office Square, Suite 100
BOSTON, MA 02109-3912

Via E-Mail and First Class Mail

January 31, 2013

Roderic J. McLaren
Counsel, Pittsfield/Housatonic River Remediation
General Electric Company
159 Plastics Avenue
Pittsfield, MA 01201

Re: GE-Pittsfield/Housatonic River Site
Dispute Resolution on EPA Cost Bill

Dear Mr. McLaren:

By letter dated July 2, 2012, the General Electric Company invoked formal dispute resolution under the Consent Decree for the GE-Pittsfield/Housatonic River Site by serving a Statement of Position upon the United States Environmental Protection Agency, Region 1. Both GE and EPA agree that this formal dispute resolution should proceed under Paragraph 137 of the CD.

Pursuant to Paragraph 137(a) of the CD and by memorandum from the EPA Region 1 Regional Administrator dated October 24, 2012, I have been designated as the dispute official for this matter. In accordance with this designation, I have reviewed and considered the parties' submissions concerning this dispute. Enclosed please find my final decision resolving this dispute.

Sincerely,

A handwritten signature in black ink, which appears to read "Nancy Barmakian", is written over the typed name.

Nancy Barmakian
Deputy Director
Office of Site Remediation and Restoration

Enclosure

cc (via e-mail):

James Owens, EPA R1 Office of Site Remediation and Restoration
Bob Cianciarulo, EPA R1 Office of Site Remediation and Restoration
Dean Tagliaferro, EPA R1 Office of Site Remediation and Restoration

Holly Inglis, EPA R1 Office of Site Remediation and Restoration
Tim Conway, EPA R1 Office of Environmental Stewardship
John Kilborn, EPA R1 Office of Environmental Stewardship
Catherine Adams Fiske, Department of Justice
Samuel Boxerman, Sidley and Austin
Samuel Gutter, Sidley and Austin
Betsy Harper, Commonwealth of Massachusetts
Jane Rothchild, Massachusetts Department of Environmental Protection

**UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 1
5 POST OFFICE SQUARE
BOSTON, MASSACHUSETTS 02109**

IN RE:

**CONSENT DECREE FOR THE
GE PITTSFIELD/HOUSATONIC RIVER SITE**

FINAL DECISION

**DISPUTE RESOLUTION PROCEEDING
BEFORE THE DEPUTY DIRECTOR OF THE
OFFICE OF SITE REMEDIATION AND
RESTORATION**

On April 5, 2012, pursuant to Paragraphs 101 and 133 of the Consent Decree (CD) for the GE Pittsfield/Housatonic River Site, the General Electric Company (GE) submitted a Notice of Dispute to the United States Environmental Protection Agency, Region 1 (EPA) with respect to EPA's Fiscal Year 2011 \$1,632,300 cost bill for U.S. Future Response Costs. Because the parties were unable to reach agreement, by letter dated July 2, 2012, GE invoked formal dispute resolution by submitting a Statement of Position to EPA. On July 30, 2012, EPA served its Statement of Position in Response to GE's Statement of Position Regarding Dispute of FY 2011 Cost Bill. On August 10, 2012, GE submitted its Reply to EPA's Statement of Position. Both GE and EPA agree that this dispute should proceed under Paragraph 137 of the CD.

Pursuant to Paragraph 137(a) of the CD and by memorandum dated October 24, 2012, the EPA Regional Administrator designated the Deputy Director of the EPA Region 1 Office of Site Remediation and Restoration to make the final decision resolving this dispute. Accordingly, to make this decision, I reviewed GE's July 2, 2012 Statement of Position, EPA's July 30, 2012 Response, and GE's August 10, 2012 Reply. Based on my review of the foregoing submissions and for the reasons described in EPA's July 30, 2012 Response (attached), my final decision for the resolution of this dispute is:

Consistent with EPA's July 30, 2012 response, reduce GE's FY 2011 \$1,632,300 cost bill by \$393,192.

Accordingly, the total amount GE owes for Fiscal Year 2011 U.S. Future Response Costs, excluding interest, is \$1,239,108.



Nancy Barmakian

Deputy Director

Office of Site Remediation and Restoration

United States Environmental Protection Agency, Region 1

01/30/13

Date